

R E M A R K S

Claims 1-96 are pending in the present application.

Claims 1, 29, 37-43, 54-96 are independent.

Section 102 Rejections

Claims 1 - 15, 17 - 21, 24 - 47 and 49 - 96 stand rejected as anticipated by U.S. Patent No. 5,970,469 to Scroggie. Applicants respectfully traverse the Examiner's Section 102 rejection.

The rejections of each independent claim is based on a misinterpretation of Scroggie, and thus the Examiner has not made a prima facie case of unpatentability of any claim.

Specifically, the Examiner has interpreted col. 2 of Scroggie as disclosing the pairs of limitations listed below:

Independent Claims 1, 29, 37, 38, 69, 72, 73, 76, 77, 80, 81, 84

*receiving an indication of at least one of a product category including at least two products or a service category including at least two services
selecting one of said at least two products or said at least two services*

Independent Claims 70, 71, 74, 75, 78, 79, 82, 83

*receiving at least one indication of at least one of a product category including at least two products or a service category including at least two services;
choosing one of said at least two products or said at least two services*

Independent Claims 41, 42, 57, 58, 63, 64

*receiving an indication of a service category, said service category including at least two services;
selecting one of said at least two services*

Independent Claims 67, 68

*providing an indication of a service category, said service category including at least two services;
receiving an indication of a selected one of said at least two services; and*

Independent Claims 43, 54, 59, 60, 85, 88, 89, 92, 93, 96

*receiving an indication of a retailer category, said retailer category including at least two retailers;
selecting one of said at least two retailers*

Independent Claims 86, 87, 90, 91, 94, 95

*receiving (at least one) indication of a retailer category including at least two retailers;
choosing one of said at least two retailers*

Independent Claims 39, 40, 55, 56, 61, 62

receiving an indication of a product category, said product category including at least two products;

selecting one of said at least two products

Independent Claims 65, 66

providing an indication of a product category, said product category including at least two products;

receiving an indication of a selected one of said at least two products; and

However, Scroggie clearly discloses that no single entity performs any complete pairs of steps. For example, referring to the rejection of claim 1, col. 2, lines 4 - 7 of Scroggie are purported to disclose the steps of

receiving an indication of at least one of a product category including at least two products or a service category including at least two services

selecting one of said at least two products or said at least two services

However, assuming for the sake of argument that any entity in Scroggie performs any of these steps, it is clear that in Scroggie the same entity does not perform both of these steps. Thus, Scroggie does not disclose or suggest the claimed embodiments, which possess clear advantages not taught or suggested by Scroggie. As discussed in the present specification, when a controller or other entity receives an indication of a product category (not a product), the controller can then select a product from that category to sell to a customer. Thus, customers who are brand indifferent can be provided with a benefit in exchange for indicating their brand indifference.

In Scroggie the customer receives "a list of products available for purchase" (Col. 2, lines 5 - 6), and the customer selects "from the list of products". Clearly, to the extent one might tenuously assert that the customer performs the *selecting* step, it is clear that the customer does not *receive* an indication of at least one of a product category or a service category.

Moreover, in Scroggie the customer does not then

arranging for a benefit to be provided

or

providing an indication of a benefit

or any of the other benefit related steps recited in the independent claims.

Scroggie in no way discloses or even suggests the benefits of the presently claimed embodiments. In fact there is no reason to include the presently claimed features in the system of Scroggie since they are contrary to the teachings of Scroggie.

The arguments above with respect to claim 1 are likewise applicable to the remaining claim, which recite, e.g., *a service category, a retailer category, a product category*.

For at least these reasons, the pending claims are patentable over the cited references.

Section 103(a) Rejections

Claims 16, 22, 23 and 48 are rejected as being unpatentable over Scroggie and U.S. Patent No. 5,537,314 to Kanter. Applicants respectfully traverse the Examiner's Section 103(a) rejection.

The rejection of these claims is likewise based on a misinterpretation of Scroggie, and thus the Examiner has not made a prima facie case of unpatentability of any claim.

These dependent claims are patentable at least because they depend from independent claims which are patentable, as described above.

Claim Amendments

Claims 29 and 80 have been amended to correct various minor and typographical errors. No amendment was made for a reason related to patentability. No new matter has been added.

Conclusion

For the foregoing reasons it is submitted that all of the claims are now in condition for allowance and the Examiner's early re-examination and reconsideration are respectfully requested.

Alternatively, if there remains any question regarding the present application or any of the cited references, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is cordially requested to contact Dean Alderucci at telephone number 203-461-7337 or via electronic mail at Alderucci@WalkerDigital.com.

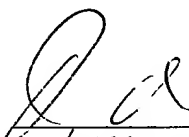
Petition for Extension of Time to Respond

Applicants hereby petition for a **three-month** extension of time with which to respond to the Office Action. Please charge \$465.00 for this petition to our Deposit Account No. 50-0271. Please charge any additional fees that may be required for this Response, or credit any overpayment to Deposit Account No. 50-0271.

If an extension of time is required, or if an additional extension of time is required in addition to that requested in a petition for an extension of time, please grant a petition for that extension of time which is required to make this Response timely, and please charge any fee for such extension to Deposit Account No. 50-0271.

Respectfully submitted,

March 3, 2003
Date



Dean Alderucci
Attorney for Applicants
Registration No. 40,484
Walker Digital, LLC
Alderucci@WalkerDigital.com
203-461-7337 / voice
203-461-7300 / fax

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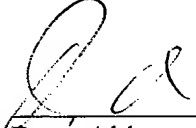
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**C L A I M A M E N D M E N T S
M A R K E D U P F O R M**

Please **AMEND** the claims as follows:

29. (AMENDED) A method for enabling a purchase of a product or service, comprising:
receiving an indication of at least one of a product category including at least two products or a service category including at least two services;
selecting one of said at least two products or said at least two services;
providing an indication of said selected one of said at least two products or said at least two services; and
providing an indication of a benefit based on a purchase of said selected one of said at least two products or said at least two services.

80. (AMENDED) An article of manufacture, comprising:
a computer usable medium having a computer readable program means embodied therein for operating an information system, the computer readable program means in said article of manufacture operable to:
receive an indication of at least one of a product category including at least two products or a service category including at least two services;
select one of said at least two products or said at least two services;
provide an indication of said selected one of said at least two products or said at least two services;
determine if said selected one of said at least two products or said at least two services has been purchased; and
arrange for a benefit to be provided based on a purchase of said selected one of said at least two products or said at least two services.